

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JOSEPH BRITT and BRENDA BRITT,

Plaintiffs,

v.

LIVANOVA PLC, LIVANOVA HOLDING
USA, INC., SORIN GROUP
DEUTSCHLAND GMBH, AND SORIN
GROUP USA, INC.,

Defendants.

Civil Action No. 6:18-cv-03117-DCC

PLAINTIFF'S PRETRIAL DISCLOSURES

Plaintiffs respectfully submit these Pretrial Disclosures regarding the evidence that may be presented at trial other than solely for impeachment:

1. The name, address and telephone number of each witness expected to be present at trial:
 - Joseph Britt, c/o Ben Le Clercq. 1079 Renwood Dr., Chas, SC 29412
 - Brenda Britt, c/o Ben Le Clercq. 1079 Renwood Dr., Chas, SC 29412
 - William R. Jarvis, M.D., 42338 Parkwood Drive, Port Orford, Oregon 97465, 404-512-4777.
 - Chad J. Roy, PhD, MSPH, 171 Windermere Way, Madisonville, LA 70447, 240-291-7698.
 - Lila F. Laux, PhD, 417 Leyden Street, Denver, CO 80220, 303-388-4659.
 - Marek Swoboda, PhD, 9 Brewerytown Court, Philadelphia, PA 19121, 215-421-3121.
 - Laura J. Lampton, RN BSN CRRN CNLCP, life care planner, 220 West Main Street, Suite 2150, Louisville, KY 40202, 502-589-0995.

- Glen Adams, vocational rehabilitation consultant, P.O. Box 90158, Columbia, SC 29290-1158, 803-783-8927.
- Oliver G. Wood, Jr., consulting economist, P.O. Box 24677, Columbia, SC 29224, 803-736-1300.
- Dr. Andrew Huchingson, 720 Magnolia Road, Charleston, SC 29407, 843-670-9362.
- Dr. Kent Stock, 1938 Charlie Hall Blvd, Unit B, Charleston, SC 29414, 843-402-0227.
- Daughter, Amanda Ledford Fehr, 1079 Renwood Dr., Chas, SC 29412
- Son in Law, Carl F. Fehr, 1079 Renwood Dr., Chas, SC 29412
- Kathy Vaughan Jones, previous student—209 Loblolly Lane; Greenville, SC 29607
- Lee Cox, Headmaster, previous co-worker—can be contacted c/e Plaintiffs' counsel.
- Richard Grimball, Priest and Chaplain, previous co-worker— can be contacted c/e Plaintiffs' counsel.
- Valerie Hendrickson, previous co-worker— can be contacted c/e Plaintiffs' counsel.
- Donna Burns, previous co-worker—6 Par Dr.; Greenville, SC 29609
- Julianne Watts, previous co-worker—4645 Buckline Circle; Dunwoody, GA 30338
- Valerie Riddle, Chaplain, previous co-worker—321 Sorono Dr; Greenville, SC 29609
- Danny Thomas, previous co-worker—26G Huntsfield Dr.; Greenville, SC 29607
- Lillian Provost Monroe, previous student— can be contacted c/e Plaintiffs' counsel.

2. The name, address and telephone number of each witness who is expected to be present at trial (in bold), and those who may be present at trial:

- Joseph Britt's treating physicians, nurses and hospital employees and health care providers identified in discovery.
- Joseph Britt's psychiatrists and psychologists identified in discovery.
- All Company officers, employees, consultants and contractors of any of the three Defendants originally named in this case, including all of those individuals who have had their deposition taken in this case, any case in the MDL, the Piechowski case, or in any other case filed in the United States involving the allegation that a Sorin 3T HCD led to an NTM infection, and all witnesses identified by those witnesses. These include without limitation:

- **Thierry Dupoux**
- **Christian Peis**
- **Amritt Khorran**
- **Shanna Schmidt**
- **Cheri Voorhees**
- **Rori Mattson**
- **Eric Frese**
- **Paul Talbot**
- **Bryan Olin**
- **Erwin Knott**
- **Adam Clark**
- **Allan Whittington**
- **Patricia Monaghan**
- **Katja Richter**
- **Prof. Joseph Falkinham**
- **Steve Berch**
- **Jim Trevor**
- **Carrie Wood**
- **Ryan Coyle**
- **Patti Cummings**
- **Christian Hoffstetter**
- **Celeste Kreul**
- **Scott Light**
- **Winfried Ebner**
- Prof. Werner (Berch, Ex. 19)

- All of Defendants' expert witnesses, including:
 - Charles Gerba
 - David Feigal
 - **Edward Dominguez**
 - Frederick Lough
 - Granger Sutton
 - John Fessler
 - Paul Stoodley
- All employees and officers of GHS or GMH who have had their depositions taken in the MDL and/or in other cases involving the Sorin 3T and similar allegations, and all witnesses identified by those witnesses. This includes without limitation the following:
 - **William Kelly**
 - **Gerrald Davis**
 - **Holly Hutchins**
 - **Beth Smith**
 - **Connie Steed**
 - **Stephanie Cox**
- Any witness identified in the depositions in this case, or in the previous paragraphs. This includes without limitation:
 - **Doctor/Prof. Hugo Sax**
 - **Doctor/Prof. Rami Sommerstein**
 - **Prof. Joseph Falkinham**
- Any individual identified in the discovery documents produced by either side.

3. The name of those witnesses whose testimony will be presented by deposition along with the pertinent parts of the deposition:

- Plaintiffs do not propose to present by deposition testimony from their witnesses, other than the following, should they be unable to secure the personal attendance of the same:

- Dr./Prof. Rami Sommerstein: Please see Attached **Exhibit 1** for these deposition designations.
 - Prof. Joseph Falkinham: Please see Attached **Exhibit 2** for these deposition designations.
 - As of the current date, Plaintiffs do not know which witnesses Defendants will make available for trial. Once Defendants have disclosed this information, Plaintiffs will designate the testimony of those witnesses for whom Plaintiffs would propose to present their testimony by deposition transcript and/or video.
4. Identification of each document or other exhibit, including summaries of other evidence expected to be offered at trial:
- Please see Attached **Exhibit 3** for an index of exhibits.
 - Plaintiff reserves the right to amend this section as new information becomes available.
5. Identification of each document or other exhibit, including summaries of other evidence which may be offered at trial:
- Please see Attached **Exhibit 3** for an index of exhibits.
 - Plaintiff reserves the right to amend this section as new information becomes available.

Dated: August 18, 2023

Respectfully submitted,

/s/ Ben Le Clercq

Ben Le Clercq

(S.C. Bar #65754, U.S. District Court # 7453)

David D. Ashley

(S.C. Bar #76206, U.S. District Court #10220)

Le Clercq Law Firm

708 South Shelmore Blvd. #202

Mount Pleasant, SC 29464

Phone (843) 722-3523

Fax (843) 352-2977

Ben@LeClercLaw.com

David@LeClercLaw.com

Counsel for Plaintiffs